THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.27738 OF 2005

DATED: 14TH MARCH, 2006.

Between :

Kadampalli Sadanandam … Petitioner

And

1. The Chairman-Cum-Managing Director,
   A.P.C.P.D.C.L., Singareni Bhavan, Nampally,
   Hyderabad and another. … Respondents

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ORDER :

The petitioner herein claims to be the owner and possessor of land bearing Sy.No.332/A of Kothur Village & Mandal, Mahaboobnagar District to an extent of Ac.9-02 guntas.

This writ petition is filed aggrieved by the alleged action of the respondents in proposing to lay 130 KV High Tension Lines through the land of the petitioner. It is alleged that since the respondents proceeding with the laying of High Tension Lines without calling for any objection from the petitioner and without initiating the proceedings under the Land Acquisition Act, the petitioner made a representation dated 26-12-2005 bringing the said fact to the notice of the 1st respondent and requesting to take immediate steps to stop the work of laying High Tension Wires. A copy of the said representation was also submitted to the 2nd respondent – Superintending Engineer, APCPDCL, Mahaboobnagar District, however there was no response. Hence, the writ petition.

An identical question has been considered by a Division Bench of this Court in SRI SAI SURYA GARDENS (P) LTD. v. UNION OF INDIA AND ANOTHER. Having referred to all the relevant provisions under the Electricity Act, 1948 as well as the Indian Telegraph Act, 1885 it was held that under Section 51 of the Act the respondents are empowered to exercise the powers available under the provisions of the Chapter-III of the Indian Telegraph Act, 1885 and once the scheme is published as required under the provisions of the Indian Telegraph Act, 1885 it is open to the authorities to lay wires, poles, etc., and that the owner of the land may pray for payment of compensation. The Division Bench has also taken note of the fact that the owner of the property will not be deprived of the property, but at the most he would be deprived of the use of land profitably.

In the light of the ratio laid down in the above Division Bench, it is open to the respondents to lay High Tension Transmission Lines across the property of private

party, however it is necessary for them to follow the procedure as prescribed under the Electricity Act, 1948 read with Section 42 of the Indian Telegraph Act, 1885.

In the circumstances, though I am not inclined to issue a writ of mandamus as prayed for, keeping in view that the petitioner has already made a representation before the respondents 1 and 2, the Writ Petition is disposed of with a direction to the respondents to make an enquiry with regard to the complaint made by the petitioner in his representation dated 26-12-2005 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four (4) weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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G. ROHINI, J.

Dt. 14-03-2006.

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